

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Joseph P. Schmitt,
Plaintiff,

v.

Jefrey Smith, et al.,
AND
Patrick Mulvey, et al.,
Defendants.

FILED
CLERKS OFFICE
2006 APR 12 10 53 AM
Civil Action No. 04-10717-RWZ

U.S. DISTRICT COURT
DISTRICT OF MASS

MOTION FOR COURT ORDER

Now comes the pro se Plaintiff, Joseph P. Schmitt, and moves this Honorable Court for an order to the Defendants and/or their Counsel/employer to immediately return the evidence illegally censored, confiscated and subject of disciplinary action. Specifically Plaintiff's story/letter entitled A Week End In Paradise and Rain Dance. Also all envelopes such letters/stories were originally mailed with.

Plaintiff further moves that this Honorable Court order the Department of Correction to expunge Plaintiff's institutional Records of any and all mention of the two disciplinary reports he illegally received due to the above noted stories/letters.

Plaintiff further moves for an order that the department of correction provide a detailed listing of any and all agencies, persons or any others who were caused to receive a copy of the disciplinary reports and stories/letters.

Plaintiff further moves this Honorable Court to order the lower Court, Worcester Superior Court, specifically regarding Civil Action WOCV2002-01529-A, to expunge the above stories/letters from evidence being used against the plaintiff in it MGL 123A Civil Commitment Trial as said evidence is clearly illegal and must not be used to prosecute Plaintiff. For this portion of this motion, Plaintiff states that this Honorable Court has authority to take action as requested pursuant to 28-USCA-§2201, 28-USCA-§2202 and/or 28-USCA-§1651. This Honorable Court must not allow the lower court to prosecute Plaintiff using illegally obtained evidence, specifically the noted stories/letters above.

Dated: April 7, 2006

Respectfully Filed,

Joseph P. Schmitt, pro se
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Bridgewater, Massachusetts
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